



COMMONWEALTH of VIRGINIA

Virginia Employment Commission

*Dolores A. Esser
Commissioner*

703 East Main Street

*Post Office Box 1358
Richmond, Virginia 23218-1358*

October 14, 2008

Mr. Gordon Burke
DOL/VETS, Room S-1312
200 Constitution Avenue, NW
Washington, DC 20210

Subject: Regulatory Information Number 1293-AA15

Dear Mr. Burke:

The Virginia Employment Commission (VEC) reviewed the proposed changes to 20 CFR Part 1010, contained in the Federal Register Volume 73, No. 159, dated August 15, 2008, and we have several comments.

First and foremost, the VEC wholeheartedly supports the concept of priority of service to Veterans and we generally support the intent of the proposed changes to 20 CFR Part 1010.

The VEC does not agree with the proposed change to 20 CFR Part 1010 Section II subpart A – Purpose and Definitions (a) the proposed alignment of definitions of who qualifies as a Veteran. Under the proposed definitions, the term “Veteran means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable, as specified in 38 USC. 101(2).” The VEC recommends using the definition in 38 USC Part 4211 (4), which states the term “eligible veteran” means a person who - “(A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge; (B) was discharged or released from active duty because of a service-connected disability; or (C) as a member of a reserve component under an order to active duty pursuant to section 12301(a), (d), or (g), 12302, or 12304 of title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge.”

The VEC also questions how the proposed information collection process can really determine the priority of service for covered entrants without comparing them to non-covered entrants. The new data elements associated with the covered entrants is reported to help the Department of Labor to more adequately assess the number of covered persons who entered the workforce investment system, how many received services, and how many did not. The VEC

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recommends comparing covered entrants to non-covered entrants as a more reliable method of determining priority of service.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dolores A. Esser".

Dolores A. Esser

c: Desk Officer for ETA
Office of Information and Regulatory Affairs, OMB